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FILED
08 MAR 17 AM 11:10
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY

CP

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FREDA SUSSMAN,

Plaintiff,

v.

ARMELIA SANI, M.D., SHILEY EYE
CENTER, UCSD MEDICAL CENTER,
REGENTS OF THE UNIVERSITY OF
CALIFORNIA, HEALTH NET OF
CALIFORNIA, INC., HEALTH NET
SENIORITY PLUS, LINDA BEACH,
HAIDEE GUTIERREZ,

DOES 1 through 40, inclusive,

Defendants

Case No. 08CV392 HBLM

DECLARATION OF NANCY SUSSMAN
IN SUPPORT OF EX PARTE MOTION
FOR ORDER SHORTENING TIME TO
HAVE MOTION TO REMAND HEARD

Date: 4/14/08

Time: 10:30 a.m.

Dept. 13

Magistrate: Barbara Major

I, Nancy Sussman, declare:

1. I am an attorney duly licensed to practice before this Court and I am one of the attorneys of
record for the Plaintiff herein.

1 2. The Plaintiff's action was filed in State Court on 11/17/07. Defendant HEALTH NET OF
2 CALIFORNIA, INC. was added as a "Doe" Defendant on 1/30/08. Defendant HEALTH NET
3 OF CALIFORNIA, INC.'s Notice of Removal was filed on March 3, 2008. The Plaintiff's
4 Motion to Remand was timely filed on March 13, 2008. Defendant's Motion to Dismiss the
5 Plaintiff's complaint was received by the Plaintiff only two days prior to the filing of Plaintiff's
6 Motion to Remand. The Motion to Dismiss has a hearing date of April 7, 2008. The Plaintiff's
7 position is that the case should be remanded to State Court, not dismissed. If Defendant
8 HEALTH NET OF CALIFORNIA, INC.'s Motion to Dismiss is heard before the Plaintiff's
9 Motion to Remand, the Plaintiff will be severely detrimented. Insofar as the Motion to Remand
10 must be determined before the Motion to Dismiss, the Plaintiff requests this court to schedule the
11 Plaintiff's motion to remand for April 7, 2008 to be heard concurrently with the Defendant's
12 Motion to Dismiss.

13 3. In the alternative, the plaintiff requests that ths court move the hearing date of April 7, 2008
14 on the Defendant's motion to dismiss to April 14, 2008 at 10:30 a.m. to be heard concurrently
15 with the Plaintiff's Motion to Remand. The Court has the right to extend the time in which a
16 motion is heard. FRCP 6(b).

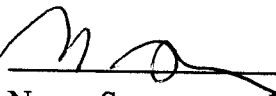
17 I declare under penalty of perjury that the foregoing is correct.

18
19 Dated:

20 3/13/08

Respectfully Submitted:

HAYWORTH AND SUSSMAN

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23 Nancy Sussman,
24 Attorney for Plaintiff
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